

Chapter: **NETWORK OPERATIONS**
Title: **HOME AND COMMUNITY BASED SERVICES**

Prior Approval Date: N/A

Current Approval Date: 04/25/24

Proposed by: Traci Smith 04/24/2024
Chief Executive Officer Date

Approved by: Al Lorenzo 04/25/2024
County Executive Office Date

I. ABSTRACT

This policy establishes the standards of Macomb County Community Mental Health (MCCMH), an official agency of the County of Macomb, to ensure persons served receiving long-term services and supports through Home and Community Based Service (HCBS) programs have full access to the benefits of community living and the opportunity to receive services in the most integrated setting appropriate.

II. APPLICATION

This policy shall apply to all directly-operated and contract network providers of MCCMH that render HCBS services.

III. POLICY

It is the policy of MCCMH to ensure that persons served receiving services are empowered to access the benefits of community living and receive services in the most integrated setting appropriate.

IV. DEFINITIONS

Home and Community Based Services

Provides Medicaid beneficiaries opportunities to receive services in their own home or community rather than institutions or other isolated settings.

V. STANDARDS

A. MCCMH shall ensure network compliance with HCBS requirements through ongoing

performance monitoring processes.

B. Home and community-based settings shall meet the following qualifications:

1. The setting shall be integrated in and support full access to the greater community including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as persons served not receiving HCBS services;
2. Be selected by the person served from among setting options, including non-disability specific settings and an option for a private room in a specialized residential setting. Setting options are identified and documented in the person-centered service plan and are based on the person's needs and preferences.
3. Ensure a person's rights of privacy, dignity and respect, and freedom from coercion or restraint;
4. Optimize autonomy and independence in making life choices; and
5. Facilitate choice regarding services and who provides them.

C. Persons served must have the ability to access the following:

1. A lease or other legally enforceable agreement to protect from eviction;
2. Privacy in their room, including lockable doors, choice of roommates, and freedom to furnish or decorate the room;
3. Control of his/her own schedule including access to food at any time;
4. Have visitors at any time; and
5. A setting that is physically accessible.

D. Modification or restriction of a person's rights must be based upon health or safety risks to the person and documented in their individual plan of service (IPOS). Health or safety needs are the only acceptable justifications for restricting a person's served rights and freedom of movement. The service plan elements related to modification of the person's rights and freedoms shall include:

1. Identify a specific and individualized assessed need.
2. Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
3. Document less intrusive methods of meeting the need that have been tried but did not work.
4. Include a clear description of the condition that is directly proportionate to the specific assessed need.

5. Include regular collection and review of data to measure the ongoing effectiveness of the modification.
 6. Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
 7. Include the informed consent of the person served.
 8. Include an assurance that interventions and supports will cause no harm to the person served.
- E. When MCCMH reviews a setting, if the setting is deemed out of compliance, MCCMH shall begin appropriate remediation processes to address any noted deficiencies.

VI. PROCEDURES

None.

VII. REFERENCES / LEGAL AUTHORITY

- A. HCBS Final Rule
- B. 42 CFR §441.301
- C. 42 CFR §441.530
- D. 42 CFR §441.710

VIII. EXHIBITS

None.